



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**July 18, 2007 7:35 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, July 18, 2007 at 7:35 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Vice-Mayor Daly led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Ordinance 03-2007 Historic Preservation moved before Ordinances on first reading.

**Motion: A motion was made by Commissioner Carey to approve the Agenda as modified; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**PRESENTATION:**

**Artificial Reef Project, Presented by Carman Vare, Palm Beach County Environmental Resource Management**

Carman Vare gave a description and map of the project (see Exhibit "A") to the Commission for review. He gave a brief explanation of the artificial reef project. He explained that they had permitted a site through the guidance of a previous town manager of Lake Park, to use a 6.6 acre location or 10 to 12 foot hole off of Lakeshore Park. They were trying to bring habitat such as fisheries back where there were existing holes. Approximately 87% of habitat had been lost in

the Lake Worth lagoon due to bulkheading. He gave a review and description of previous projects they had done.

Mayor Castro expressed approval of the project. He stated that the Town or the Town Manager were not aware of the project and would've appreciated advance notice. He asked Mr. Vare to contact Town Manager Maria Davis should there be any future projects so that the Commission and the Sheriff's Office could be apprised of the project.

Mr. Vare apologized and explained that the project was set up years ago and the barge suddenly came available to begin the project.

### **Historic Preservation, Presented by Leigh Kendall, President of the Historical Society**

Leigh Kendall gave a Power Point presentation regarding Historical Preservation to the Commission (see Exhibit "B").

Mayor Castro stated that the Commission needed to work together with the Historical Society and Preservation Board. He explained that there was a dilemma that required property owners whose properties were not landmarked to meet a standard that no one else had to meet. Transfer development rights would not work because there was not enough intensity in the Town of Lake Park. He liked the presentation and that there were things that could be used to incorporate into the Historical Ordinance which would make it stronger and would encourage property owners to land mark their properties and for the Town to create historic districts. One of the struggles for the Town would be the costs. He recommended encouraging the Lake Park Historical Preservation Society to be involved.

### **PUBLIC and OTHER COMMENT**

*Bert Bostrom, 1451 Flagler Blvd.* - stated that the Weekday stated that there would be a soccer sign up at Town Hall. She stated that the sign up would not be at Town Hall but at the Bert Bostrom ball field from 11 a.m. to 2 p.m. She reminded all teenagers of the dress code and conduct for the Friday night event.

### **CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of June 6, 2007
2. Regular Commission Meeting Minutes of June 20, 2007
3. Replacement of Obsolete and Unreliable Media Equipment
4. Pre-Hurricane Tree Trimming & Pruning Contract
5. Hurricane Recovery Tree Trimming & Pruning Contract
6. Hurricane Debris Pick Up and Removal Contract Renewal
7. Financial Assistance Agreement Extension with Palm Beach County for Grant Funds to Design Park Avenue
8. Elevator Reconditioning at Town Hall
9. Resolution No. 49-07-07, 2007-2008 Sanitation Rates for Truth in Millage (TRIM)
10. Resolution No. 50-07-07 Building Permit Fees
11. Resolution No. 51-07-07 Alamazon Brothers Construction Inc. Contract
12. Landscape Installation Contract Award for Lake Shore Park to Villa & Sons

Items 1, 8, and 12 were pulled from the Consent Agenda.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to approve items 2, 3, 4, 5, 6, 7, 9, 10, and 11 of the Consent Agenda; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Commissioner Osterman stated that her statement on page 6 of the June 6, 2007 Commission Meeting Minutes was incorrect. It should state that she was not an advocate of mandatory designation.

**Motion: A motion was made by Commissioner Carey to approve item #1 Regular Commission Meeting Minutes of June 6, 2007 as modified; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0

Vice-Mayor Daly asked what part of the elevator would be reconditioned.

Town Manager Maria Davis explained that the entire guts and motor of the elevator would be reconditioned. She stated that the motor fails consistently and that the reconditioning had been budgeted in previous years but was never completed. The reconditioning had been budgeted for the current year.

Vice-Mayor Daly stated that he believed that money was spent on the elevator in 1998 and 1999 when the Town Hall was renovated. He asked for clarification on what had been done and what would be done.

Public Works Director Joseph Kroll explained that according to the maintenance contract for the elevator, the guts and mechanics had not been replaced or reconditioned. The elevator did not stop on the right floors and there was maintenance and repair being done on it constantly. There was money in the budget for the elevator that had been rolling over for the last two years.

Commissioner Carey asked if it was just the mechanical aspects of the elevator that was being repaired or if the box enclosure of the elevator would be replaced.

Public Works Director Joseph Kroll stated that only the mechanics of the elevator would be replaced and not the box enclosure of the elevator.

Commissioner Balias asked if the elevator was inspected every August.

Public Works Director Joseph Kroll stated that the elevator was inspected every year in August.

Vice-Mayor Daly stated that laws were changed on elevator maintenance that required a third party to do maintenance or repairs to elevators not the elevator contractor. He recommended that the Town be cautious and have the maintenance of the elevator done properly.

Public Works Director Joseph Kroll stated that the Town had a maintenance agreement with one company and an inspection agreement with another company.

**Motion: A motion was made by Commissioner Osterman to approve item #8 Elevator Reconditioning at Town Hall; Commissioner Balias made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0



Mayor Castro asked if the landscape plan from Villa & Sons was approved by the Commission. He stated that he wanted to review the landscape plan before approving it.

Town Manager Maria Davis stated that she did not present the landscape plan to the Commission first. She presented it with the current package.

Commissioner Osterman requested a presentation of the landscape plan for Lake Shore Park. She had a question regarding a proposed Allamanda plant which she believed was poisonous. She asked if there were different varieties of the Allamanda plant.

Town Manager Maria Davis stated that there were different varieties of the Allamanda plant.

Mayor Castro requested that the landscape plan be placed on the next Commission Meeting Agenda of August 1, 2007 as a presentation.

Item #12 Landscape Installation Contract Award for Lake Shore Park to Villa & Sons was pulled from the Consent Agenda to be deferred as a presentation at the next Commission Meeting of August 1, 2007.

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Mayor Castro**

None

**Vice-Mayor Daly**

None

**Commissioner Osterman**

None

**Commissioner Balius** stated that the football players were coming back. He requested a briefing of what they were going to do. He stated that there were numerous complaints about them in the past.

**Mayor Castro** recommended that a discussion regarding the football players be placed as an agenda item for the next Commission Meeting of August 1, 2007. He stated that he wanted them to have an opportunity to address the Commission.

**Town Manager Maria Davis** stated that she had a meeting scheduled for the following week to discuss the issues regarding the football players.

**Commissioner Balius** stated that the Commission tried to work with the football players in the past but they were brushed off.

**Mayor Castro** stated that the football players had a right to defend the allegations against them.

**Vice-Mayor Daly** expressed concern and stated that over the past two years the football players have ganged up on the Commission. He was hoping that the issue would be directed to the

Recreation Department and the Town Manager. He recommended proceeding with caution in addressing the issue.

**Mayor Castro** stated that he did not want to create a situation where the children could not use the football field. He was a strong supporter of P.O.P. Warner and recommended giving the football players the opportunity to speak and meet with Town Manager Maria Davis to get a clear understanding of the ground rules.

**Vice-Mayor Daly** agreed and stated that it was a good way to eliminate the problem.

**Commissioner Balius** stated that the majority of the problems were with spectators not the football players.

**Commissioner Osterman** stated that there were previous discussions between parents of the football players that residents overheard. The residents informed her that the parents were stating that the players should not wear any identifiable clothing when practicing at the ball field at the wrong times. She was in favor of having the players and parents come and speak and having programs for the kids. She recommended a clear system of warnings which would be if they get two warnings they would be dismissed from playing at the ball field.

**Mayor Castro** stated that he was in favor of a system of three warnings.

**Vice-Mayor Daly** stated that one of the events that Interim Recreation Director Greg Dowling handled in the past was handled properly. He stated that there should be no problems in the future if Interim Recreation Director Greg Dowling was handling all of the events.

**Mayor Castro** directed Town Manager Maria Davis to have the football players and their parents discuss the issues at the ball field at the next Commission Meeting of August 1, 2007.

**Commissioner Carey** asked for the status of the bid opening for the Alleyway Project.

**Town Manager Maria Davis** stated that one bid was submitted for the Alleyway Project. She had not heard whether or not the bidder was responsive and if there were problems with the bid. She did not receive a full report yet.

**Attorney Thomas Baird** stated that he and Vice-Mayor Daly attended oral argument at the 4<sup>th</sup> District Court of Appeal for the Firefighters Pension Case. The questioning by the three judges was brisk. He was not sure by their comments whether the case was going in the Town's favor. There should be an opinion within one to three months.

**Mayor Castro** stated that it was interesting that the judges were on the same retirement system as the Town's firefighters.

**Attorney Thomas Baird** stated that it was posed by Judge Kline as a theoretical question that if they were on the same retirement system as the Town of Lake Park's firefighters would there be a vote to take away their pensions as well.

**Mayor Castro** asked if there was a court reporter at the hearing.

**Attorney Thomas Baird** stated that there was a recording of the case. He stated that he would be out of town on Thursday and Friday for the Florida Municipal Attorney's Annual Meeting. He could be reached on his cell phone if there were any pressing issues.

**Town Manager Maria Davis** requested permission to adjust the Budget Workshop Agenda to address general funds. She announced a Special Call Planning & Zoning Workshop on Thursday, July 19, 2007 at 7:30 p.m. to discuss and review the Village Shoppes. The Village Shoppes would also be deliberated at the North Palm Beach Village Hall on July 24, 2007 at 6:30 p.m.

**Mayor Castro** requested that a copy of the Village Shoppes' plans be given to the Commission.

**Town Manager Maria Davis** stated that a few meetings ago there was a discussion regarding a color palette for residential properties. She stated that she did not get a clear consensus on whether or not the Commission wanted a color palette for residences.

**Commissioner Osterman** stated that she had a question about the legality of a color palette for residences in Town.

**Mayor Castro** stated that it was legal to have a color palette for residences in the Town.

**Attorney Thomas Baird** explained that there would have to be standards set forth in the ordinance that were not arbitrary that residents would have to follow. There have been color palettes and other standards imposed in many communities throughout the United States.

**Commissioner Osterman** expressed concern over the introduction of a color palette in the ordinances for the Town. She stated that the residents' choice of color for their residence could be subjective.

**Commissioner Carey** recommended a color palette for the Town.

**Mayor Castro** stated that colors were very subjective as it related to a persons personal preference.

**Commissioner Balius** stated that he was in favor of a color palette for the Town.

**Vice-Mayor Daly** stated that he was in favor of a color palette for the Town.

## **PUBLIC HEARING(S)**

### **ORDINANCES ON 2<sup>ND</sup> READING**

#### **ORDINANCE NO. 03-2007 - Historic Preservation**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 66, SECTION 66-10 ENTITLED "APPLICATION FOR CERTIFICATE OF APPROPRIATENESS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Castro gave a brief history of the Historic Preservation Ordinance. He stated that the Town needed to be more proactive. He disagreed with the part of the ordinance which advises historical property owners about the benefits of historical homeownership once they come to the Town to make improvements. He stated that the ordinance needed to be changed and there were presently homeowners waiting to make improvements on their homes. He asked Community Development Director Patrick Sullivan to explain what those homeowners want to do to their homes and why they wanted a Certificate of Appropriateness.

Community Development Director Patrick Sullivan explained that one of the historical property owners cemented over their windows without a permit. The Town cited the property owners and they had to pay extra for their permits. The house was located on the north side of Hawthorne Dr. When the property owners came before the Historic Preservation Board for a Certificate of Appropriateness they were denied. He stated that Sue Ellen Moesler's house on Foresteria Dr. was not designated.

Commissioner Osterman stated that she understood that it was a timing issue for Sue Ellen Moesler's home.

Community Development Director Patrick Sullivan stated that Sue Ellen Moesler would have to do repairs to her home immediately because there was a hole in her roof.

Commissioner Osterman asked how long it would take to have a meeting with Ms. Moesler.

Community Development Director Patrick Sullivan stated that the meeting would have to be notified 30 days in advance.

Mayor Castro asked when Ms. Moesler was told to get a Certificate of Appropriateness.

Community Development Director Patrick Sullivan stated that Ms. Moesler was informed about the requirement for a Certificate of Appropriateness approximately two to three weeks ago.

Mayor Castro stated that a home could be repaired without a Certificate of Appropriateness.

Community Development Director Patrick Sullivan stated that Ms. Moesler installed a stairway on the side of her home with a permit.

Mayor Castro asked if Ms. Moesler was able to install the stairway without a Certificate of Appropriateness.

Community Development Director Patrick Sullivan stated that he did not catch the fact that Ms. Moesler did not have a Certificate of Appropriateness. Ms. Moesler wanted to replace the garage doors at her Segway property with metal garage doors. She did not have a designated building and she did not want her home designated. Her home was on the 1998 list of homes considered for designation.

Mayor Castro stated that Ms. Moesler's property had been renovated and altered and should no longer be on the 1998 list.

Community Development Director Patrick Sullivan stated that the bottom line was that Ms. Moesler's home was still on the 1998 list.

**Public Comment Open.**

*Leigh Kendall, 318 Hawthorne Dr.* – stated that Sue Ellen Moesler's home was a good example of why the homes left on the 1998 list needed to be reviewed before any alterations were made. She recommended that the homes be red flagged when they come to the building department. She quoted the consultant from St. Petersburg that was hired by the Town as saying "All 101 homes are locally significant and contribute to the history of the region of the state of Florida". She stated that there was misconception of how difficult the process was.

Mayor Castro stated that a district needed to be created because the Town could not make homeowners who were not designated meet a standard over their neighbors simply because the home was over 50 years old and contributing. He stated that it was important to educate the Historic Board to protect homes in a specific area or framework. Other homes would have to meet the same standard as their neighbor which was part of the problem with designating homes that weren't contributing or were not on the list. It depended on how many homes on the block were contributing or not and that would be taken into account when forming a historic district.

Ms. Kendall suggested that the Town reevaluate the list of historic resources. She still believed that all of the homes on the list should have a design review.

Commissioner Osterman expressed concern with having homeowners check in when they wanted to make repairs or changes to their homes.

Ms. Kendall stated that there was a standard for historical homeowners which makes it important for them to check in before making repairs or changes to their homes.

Commissioner Osterman stated that the historic district and what Ms. Kendall presented was the way to go. She expressed concern that the Town Attorney, Town Manager, and the Town's Planner were saying that the Town does not have a legal right to do what Ms. Kendall was proposing.

Mayor Castro stated that the Commission needed to come up with a strategy.

Ms. Kendall stated that it was harder to manage now and more difficult to deal with the permitting process for historical homes on the list.

Commissioner Balius stated that there were residents who owned historic homes that did not know they were on the list.

Ms. Kendall stated that the homeowners on the 1998 list were notified.

Commissioner Balius stated that at least half of the homes on the list had sold since 1998.

Ms. Kendall stated that the 1998 list was recorded with the County.

Commissioner Osterman stated that the historical homes on the 1998 list were not designated.



She stated that there was a list recorded only at Town Hall and the residents were not notified. The homes have since changed hands and the new owners were not notified.

Mayor Castro stated that there was no due process for the homeowners on the 1998 list. They were just simply told that there were on the list but not notified that their homes were being considered for designation.

Commissioner Balias stated that a stand alone Historical Preservation Board was needed to work with the Town.

Discussion ensued between Ms. Kendall and the Commission regarding the Historical Ordinance.

Mayor Castro asked if there were any historical plaques in stock.

Community Development Director Patrick Sullivan stated that he believed that the Historical Society was in possession of the historical plaques.

*Frederick Mittner, 909 S. Palmway, Lake Worth* – stated that she was the City Historic Preservation Planner for the City of West Palm Beach. She encouraged the Commission to add the provisions that they were discussing that night to the Historical Ordinance instead of diluting the ordinance.

Mayor Castro stated that the Commission was not diluting the ordinance but trying to correct something that was illegal.

Commissioner Osterman asked Ms. Mittner if she knew of any other municipalities in the State of Florida that had homes that were not designated that may obtain a Certificate of Appropriateness or that were not in an historic district.

Ms. Mittner said she was not aware of any other municipalities that had the same issues with historically designated homes as the Town of Lake Park. She recommended putting in the additional provisions that were discussed that night into the Historical Code.

Commissioner Osterman expressed concern over the Historical Ordinance. She stated that she wanted to preserve the Town's resources and come into legal compliance. She stated that the code did not meet both provisions. In order to make the code legal the proposed changes needed to be made.

Ms. Mittner recommended and encouraged the Commission to present the designation of the critical properties by doing a resurvey and identify the properties that need to be designated at the same time that the changes in the Historical Ordinance is made.

*Dennis Hughes, 323 Hawthorne Dr.* – stated that there has been a lack of information. His home was built in 1926. He had a letter from the Palm Beach Historical Society that stated that his home was built in 1941. Many people do not receive notices from the Town regarding changes to ordinances. He expressed concern over who would actually review the historical homes in the Town of Lake Park.



Mayor Castro stated that the Town would have to retain a historical expert that could give advice to the board as it related to what were acceptable changes to a historical home. Costs would be involved and a professional expert would have to give advice under a quasi-judicial setting. He expressed concern that there was no due process before notifying the property owners that were on the 1998 list. He was in support of historic preservation and making sure that homes that were designated made appropriate changes. He explained why and how the historical ordinance needed to be changed. The code needed to be changed and then changed again once discussions for the budget have taken place and to consider having an historical expert and a new Historical Preservation Board.

Mr. Hughes stated that there were not many homes in Lake Park that had their original architecture. He asked for clarification on the 50 year age requirement in the historical code.

Commissioner Osterman explained that the 50 year requirement was for homes that were 50 years old and on the list.

Discussion ensued between Mayor Castro and Mr. Hughes regarding historical homes in Lake Park.

Commissioner Osterman recapped the history of the discussions on the Historical Ordinance and gave recommendations on how to move forward.

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 03-2007 upon 2<sup>nd</sup> reading; Commissioner Balias made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Commissioner Carey recommended creating a new Historical Ordinance.

Commissioner Osterman recommended fast tracking to protect the Town's historical homes and making a new code a priority.

Mayor Castro stated that the Commission needed to look at the budget. He thanked Lee Kendall for her presentation and thanked the members of the Historical Preservation Board and stated

that the Commission wanted to work with them on creating a new Historical Ordinance.

Attorney Thomas Baird read Ordinance 03-2007 by caption only.

Discussion ensued between Mayor Castro and Attorney Thomas Baird on how to proceed in creating a new Historical Ordinance.

#### **ORDINANCES ON 1<sup>ST</sup> READING**

##### **ORDINANCE NO. 14-2007 - Amendment of Chapter 54 Building Regulations**

**A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, OF THE CODE OF ORDINANCES, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY AMENDING ARTICLE I, SECTION 54-7 ENTITLED "STATE BUILDING CODE ADOPTED"; AMENDING SECTION 54-8 ENTITLED "AMENDMENTS ADOPTED"; CREATING NEW CHAPTER 1 WITHIN SECTION 54-8 TO BE ENTITLED "ADMINISTRATION"; CREATING SECTION 101 TO BE ENTITLED "GENERAL"; CREATING SECTION 102 TO BE ENTITLED "APPLICABILITY"; CREATING SECTION 103 TO BE ENTITLED "BUILDING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT"; CREATING SECTION 104 TO BE ENTITLED "DUTIES AND POWERS OF BUILDING OFFICIAL"; CREATING SECTION 105 TO BE ENTITLED "PERMITS"; CREATING SECTION 106 TO BE ENTITLED "CONSTRUCTION DOCUMENTS"; CREATING SECTION 107 TO BE ENTITLED "TEMPORARY STRUCTURES AND USES"; CREATING SECTION 108 TO BE ENTITLED "FEES"; CREATING SECTION 109 TO BE ENTITLED "INSPECTIONS"; CREATING SECTION 110 TO BE ENTITLED "CERTIFICATES AND BUILDING USE"; CREATING SECTION 111 TO BE ENTITLED "TESTS"; CREATING SECTION 112 TO BE ENTITLED "CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS"; CREATING SECTION 113 TO BE ENTITLED "SEVERABILITY"; CREATING SECTION 114 TO BE ENTITLED "VIOLATION AND PENALTIES"; AMENDING ARTICLE III, DIVISION 2 BY REPEALING SECTION 54-92 ENTITLED "UNSAFE RESIDENTIAL BUILDINGS"; REPEALING SECTION 54-98 ENTITLED "PLANNING AND ZONING BOARD"; SECTION 54-129 ENTITLED "UNSAFE DWELLINGS OR STRUCTURES"; AND SECTION 54-130 ENTITLED "UNLAWFUL STRUCTURES"; AMENDING ARTICLE III ENTITLED HOUSING CODE TO CREATE NEW CODE SECTION 54-81 TO BE ENTITLED "PROPERTY MAINTENANCE STANDARDS, GENERAL"; CREATING NEW SECTION 54-82 TO BE ENTITLED "GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES"; CREATING NEW SECTION 54-83 TO BE ENTITLED "BOARDED UP BUILDINGS; HURRICANE SHUTTER REMOVAL REQUIRED "; CREATING NEW SECTION 54-84 TO BE ENTITLED "ADDITIONAL LANDSCAPE AND PROPERTY STANDARDS"; CREATING NEW SECTION 54-85 TO BE ENTITLED "SUPPLEMENTAL COMMERCIAL PROPERTY MAINTENANCE STANDARDS"; CREATING NEW SECTION 34-129 TO BE ENTITLED "RESPONSIBILITY OF OWNER"; CREATING NEW SECTION 34-130 TO BE ENTITLED "RESPONSIBILITY OF OCCUPANT"; CREATING NEW SECTION 34-131 TO BE ENTITLED "NUISANCE DECLARED"; CREATING NEW SECTION 34-132 TO BE ENTITLED "NUISANCE TO BE ABATED"; CREATING NEW SECTION 54-133 TO BE ENTITLED "PROCEDURE FOR ABATEMENT OF NUISANCE"; CREATING NEW SECTION 54-134 TO BE ENTITLED "APPEAL PROCEDURE"; PROVIDING FOR SEVERABILITY,**

**PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan explained that the purpose of Ordinance 14-2007 was to make changes to building regulations. He explained that a hurricane shutter ordinance was being added to the code.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 14-2007; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance 14-2007 by caption only.

**The Commission broke for a brief recess at 9:04 p.m.**

**The Commission reconvened at 9:12 p.m.**

**ORDINANCE NO. 15-2007 – Development Review Fees**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 51, SECTION 51-6 ENTITLED “FEES FOR APPLICATION DEVELOPMENT REVIEW” TO DELETE THE FEE SCHEDULE AND PROVIDE FOR THE ESTABLISHMENT OF A SCHEDULE OF THE DEVELOPMENT ORDER APPLICATION FEES BY RESOLUTION OF THE TOWN COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Community Development Director Patrick Sullivan explained the purpose of Ordinance No. 15-2007. He stated that the Town was increasing their Development Review Fees and that the

Resolution with the new rate structure would be available at the next Commission Meeting of August 1, 2007.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to approve Ordinance No. 15-2007; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read the Ordinance No. 15-2007 by caption only.

**ORDINANCE NO. 16-2007 – Architectural Guidelines for Commercial Buildings**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK TO CREATE NEW ARTICLE XI TO BE ENTITLED “ARCHITECTURAL DESIGN GUIDELINES FOR NON-RESIDENTIAL BUILDINGS” AND WITHIN NEW ARTICLE XI TO CREATE NEW CODE SECTION 78-330 TO BE ENTITLED “GENERAL PROVISIONS”; NEW CODE SECTION 78-331 TO BE ENTITLED “DEFINITIONS”; NEW CODE SECTION 78-332 TO BE ENTITLED “DESIGN TREATMENTS”; NEW CODE SECTION 78-333 TO BE ENTITLED “BUILDING FACADES AND ELEVATIONS”; NEW CODE SECTION 78-334 TO BE ENTITLED “BUILDING COLOR AND FINISH”; NEW CODE SECTION 78-335 TO BE ENTITLED “ARCHITECTURAL ELEMENTS”; NEW CODE SECTION 78-336 TO BE ENTITLED “WINDOW AND DOOR TREATMENTS”; NEW CODE SECTION 78-337 TO BE ENTITLED “PREFERRED ROOF MATERIALS AND STYLES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 16-2007; Commissioner Carey made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 16-2007 by caption only.

**ORDINANCE NO. 17-2007 – Open Container Law**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 6, ENTITLED “ALCOHOLIC BEVERAGES”; OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, TO AMEND SECTION 6-1 ENTITLED “DEFINITIONS;” TO RETITLE SECTION 6-1 AS “LEGISLATIVE INTENT FOR OPEN CONTAINER ORDINANCE”; TO AMEND SECTION 6-2 ENTITLED “DRINKING IN PUBLIC PLACES”; TO RETITLE AS “DEFINITIONS”; TO AMEND SECTION 6-3 ENTITLED “SALE NEAR CHURCHES, SCHOOLS, ETC.” TO RETITLE AS “CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN UNLICENSED ESTABLISHMENTS, PUBLIC PARKING LOTS, PUBLIC WAYS AND PLACES PROHIBITED” CREATING NEW SECTION 6-6 TO BE ENTITLED “SALE NEAR CERTAIN USES PROHIBITED”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 17-2007; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other



Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 17-2007 by caption only.

### **ORDINANCES ON 2<sup>ND</sup> READING**

#### **ORDINANCE NO. 08-2007 – Public Records Request**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE I, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO TOWN ADMINISTRATION, TO AMEND ARTICLE I, TO CREATE NEW SECTION 2-4 TO BE ENTITLED “PROVISIONS FOR PROCESSING PUBLIC RECORDS REQUESTS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **Public Comment Open:**

*None*

#### **Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 08-2007 upon 2<sup>nd</sup> reading; Commissioner Balius made the second.**

#### **Vote on Motion:**

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 08-2007 by caption only.



**ORDINANCE 10- 2007 – Purchasing authority of the town manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE III OF THE TOWN CODE, ENTITLED “OFFICERS AND EMPLOYEES; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 (11) OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK PERTAINING TO POWERS AND DUTIES OF TOWN MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 10-2007 upon 2<sup>nd</sup> reading; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 10-2007 by caption only.

**ORDINANCE NO. 11-2007- Harbor Marina Advisory Board schedule & duties**  
**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76, ARTICLE II, PROVIDING FOR THE AMENDMENT OF SECTION 76-36 ENTITLED “REPORTING TO COMMISSION; ASSISTANCE OF OFFICIALS AND EMPLOYEES”; PROVIDING FOR THE REPEAL OF SECTIONS 76-37, 76-38, 76-39, 76-40, 76-41 AND 76-42 PERTAINING TO THE HARBOR MARINA ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*James Dubois, 516 Sabal Palm Dr.* – stated that as past chairman and secretary of the Harbor Marina Advisory Board he didn't know whether or not to be sad or happy regarding Ordinance No. 11-2007. He gave a brief history of the Harbor Marina Advisory Board and their actions and duties. He expressed his concerns regarding the Ordinance and gave recommendations for keeping the Harbor Marina Advisory Board rather than dissolve them.

Commissioner Balias gave a brief history of his involvement on the Harbor Marina Advisory Board and gave reasons for why the changes to the Board would be beneficial.

Vice-Mayor Daly stated that it would be a benefit to the Harbor Marina Advisory Board to make the proposed changes. He stated that the purpose was to concentrate on things that needed to get done and provide more direction to the Board.

Mayor Castro stated that it was necessary to make the changes to the Harbor Marina Advisory Board. He stated that the marina boards in the past were able to operate and understand their role and obligation. He stated that when any ordinance is changed, it has to deal with the worst case scenario and provide guidance.

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 11-2007; Commissioner Balias made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Thomas Baird read Ordinance No. 11-2007 by caption only.

**ORDINANCE NO. 12-2007 – Garage Sale Permits**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 20 PERTAINING TO SECOND HAND GOODS, ARTICLE II GOVERNING GARAGE SALES, SECTION 20-32 ENTITLED "PERMIT REQUIRED" TO REDUCE THE GARAGE SALE PERMIT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 12-2007;  
Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro		X	

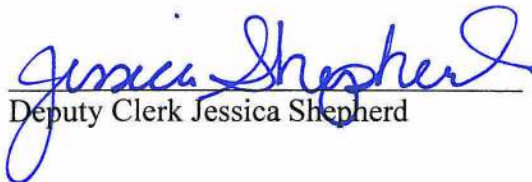
Motion passed 4-1.

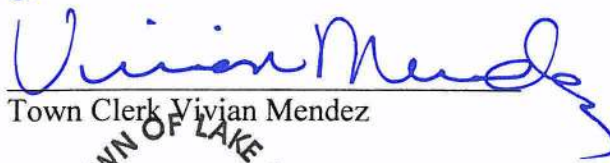
Attorney Thomas Baird read Ordinance No. 12-2007 by caption only.

## ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Balius and seconded by Commissioner Carey, and by unanimous vote, the meeting adjourned at 9:30 p.m.

  
\_\_\_\_\_  
Mayor Castro

  
\_\_\_\_\_  
Deputy Clerk Jessica Shepherd

  
\_\_\_\_\_  
Town Clerk Vivian Mendez

TOWN OF LAKE PARK  
Town Seal  
SEAL  
FLORIDA

Approved on this 22 of August 2007.

## Kelsey Park Reef

- 6.6 acre dredge hole averaging 10-11' of water depth;
- The site begins approximately 150 feet water ward of the beach;
- Receives clear oceanic water due to its proximity to the Inlet;
- Site was permitted as an artificial reef site in 2003;
- 1<sup>st</sup> project, constructed in 2004, was the "Falcon Reef" which consisted of a portion of the old gym from Forest Hill High School;
- 2<sup>nd</sup> project, constructed in 2005, was a 2 acre rock reef;
- 3<sup>rd</sup> and most recent project was the placement of approximately 1900 tons of concrete pilings/slabs to create ledges and hiding spaces for snapper and grouper;
- A total of approximately 4 acres of hard substrate occupy this deepened area.
- Critters observed include mangrove and lane snapper, gray grouper, hogfish, several species of jacks, lobsters and many species of sponges, soft corals and algae.





Kelsey Park Reef Site



# LAKE PARK HISTORICAL SOCIETY

## Presentation to Lake Park Town Commission

July 18, 2007

# HISTORIC PRESERVATION

\* In the preamble to the National Historic Preservation Act, Congress found that the preservation of America's heritage "...is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic and energy benefits will be maintained and enriched for future generations of Americans"

\* Secretary of the Interior of the U.S. government defines the historic environment as districts, sites, buildings, structures, objects, and landscapes which are significant in American history, architecture, archeology, engineering, and culture.

# HISTORIC KELSEY CITY

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- ✕ Kelsey City was established in 1923 and was the FIRST Zoned Municipality South of Washington DC<sub>1</sub>
- ✕ Kelsey City was Planned and landscaped by the Olmsted Brothers, a family famous for designing Central Park in New York City and the Biltmore Estate in Ashville, NC<sub>2</sub>
- ✕ In 1939 The Garden Club of Kelsey City initiated the change of the Town name from Kelsey City to **Lake Park**

## LAKE PARK'S ASSETS:

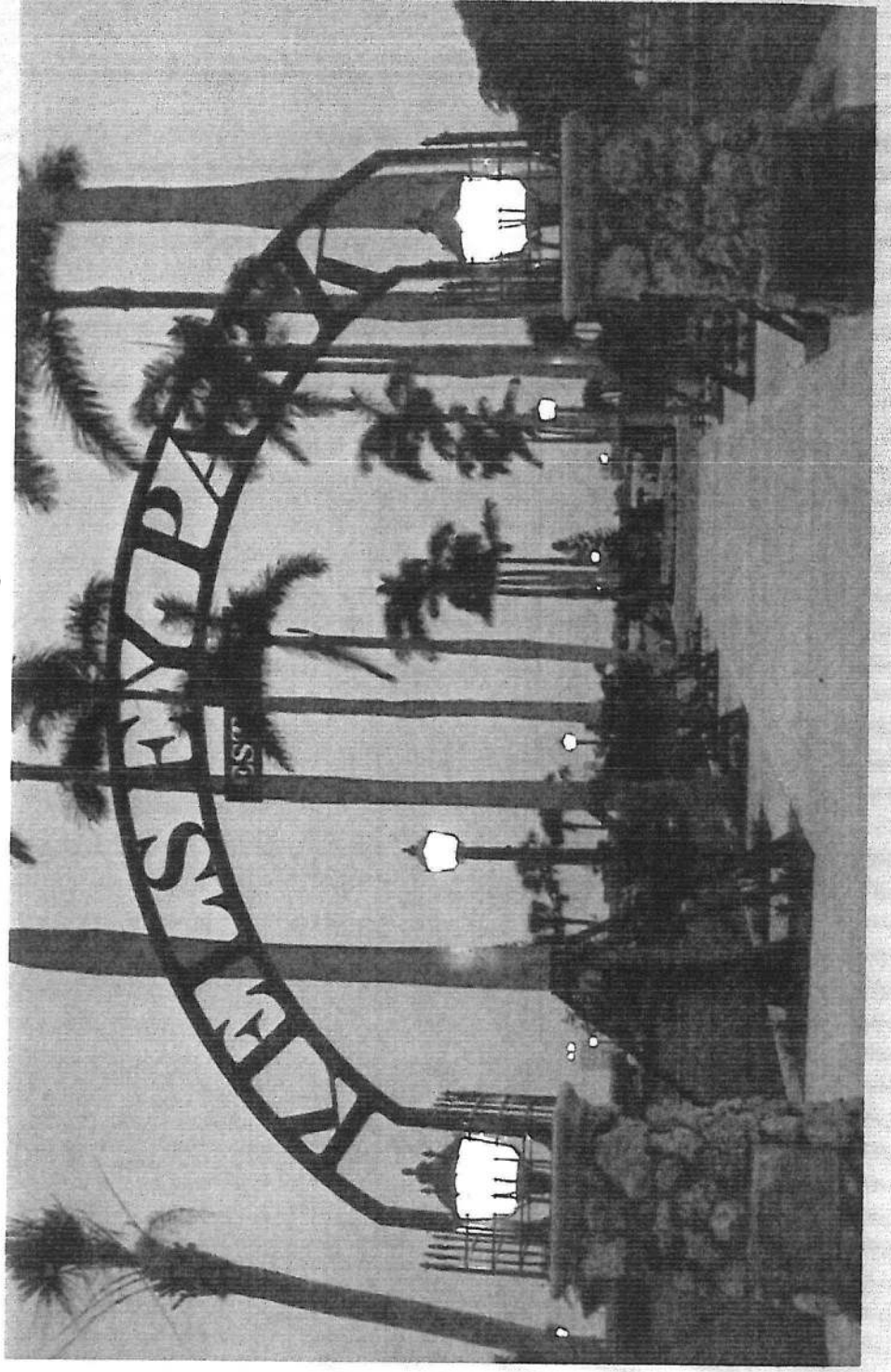
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- x Waterfront Park
- x Marina
- x Heritage
- x Quaint commercial district surrounded by residential
- x Well Plotted with industrial, commercial, residential
- x Historic Resources



# LAKE PARK'S ASSETS

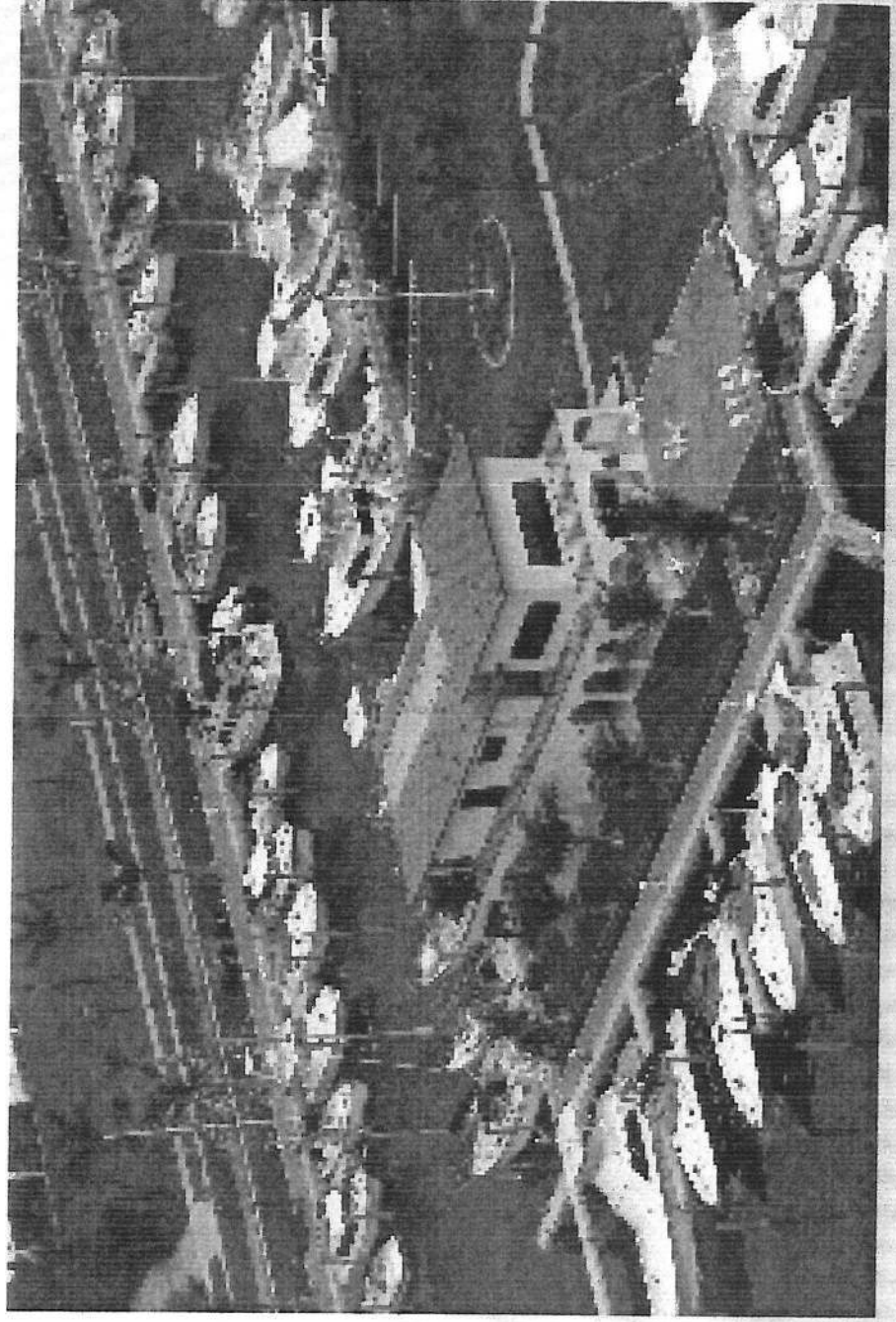
## × Waterfront Park



# LAKE PARK'S ASSETS

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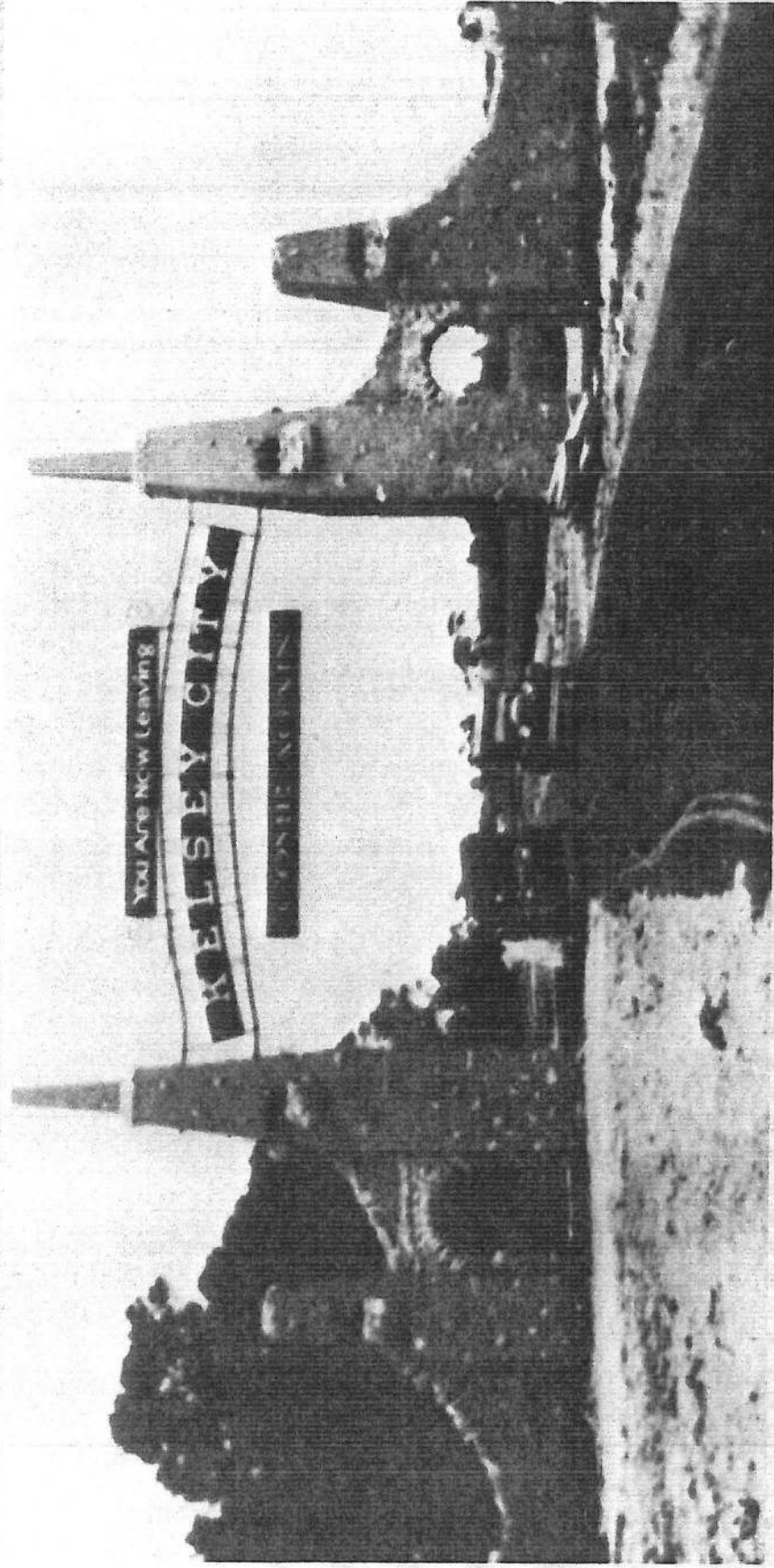
## × Marina

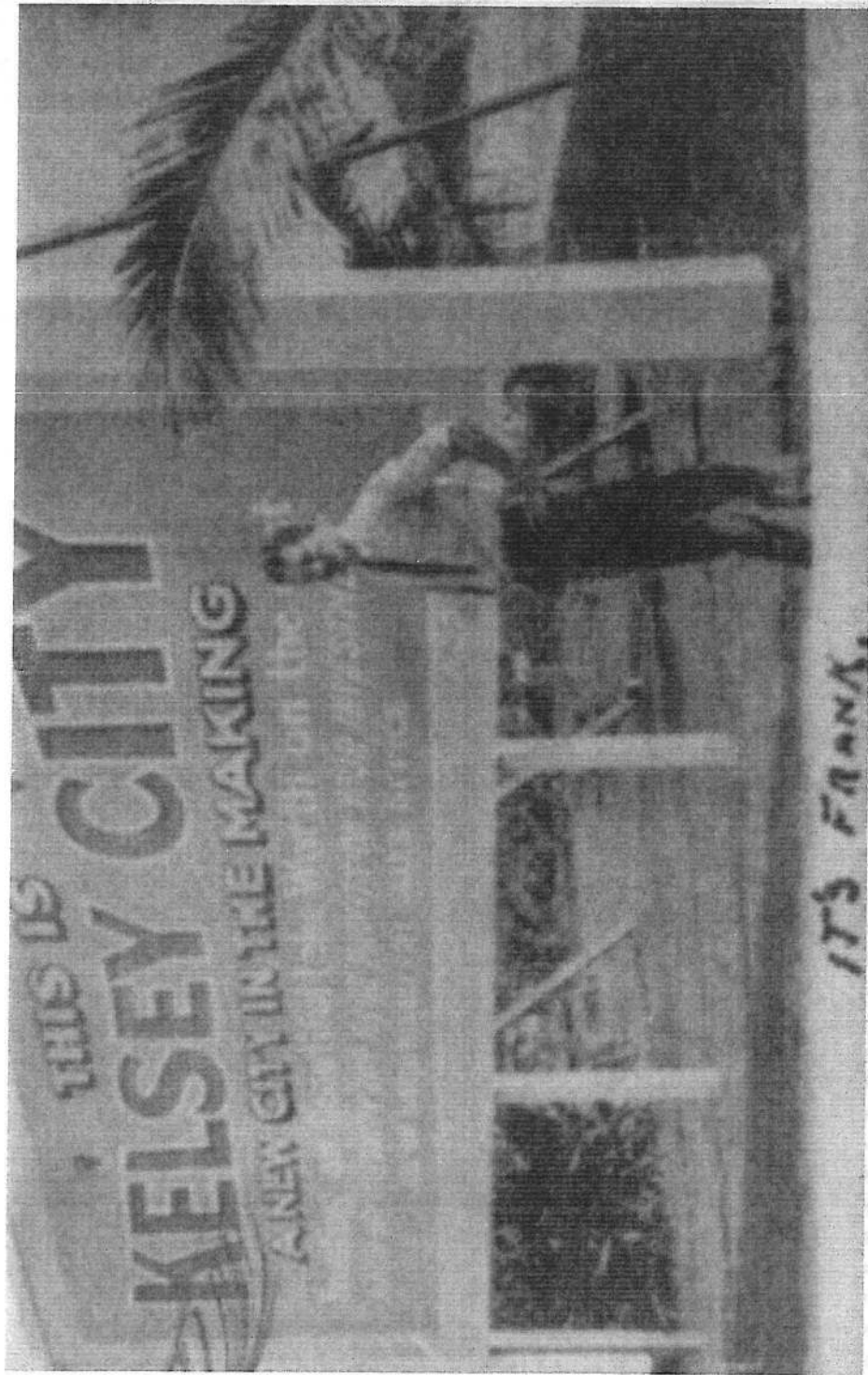




# LAKE PARK'S ASSETS

## × Heritage



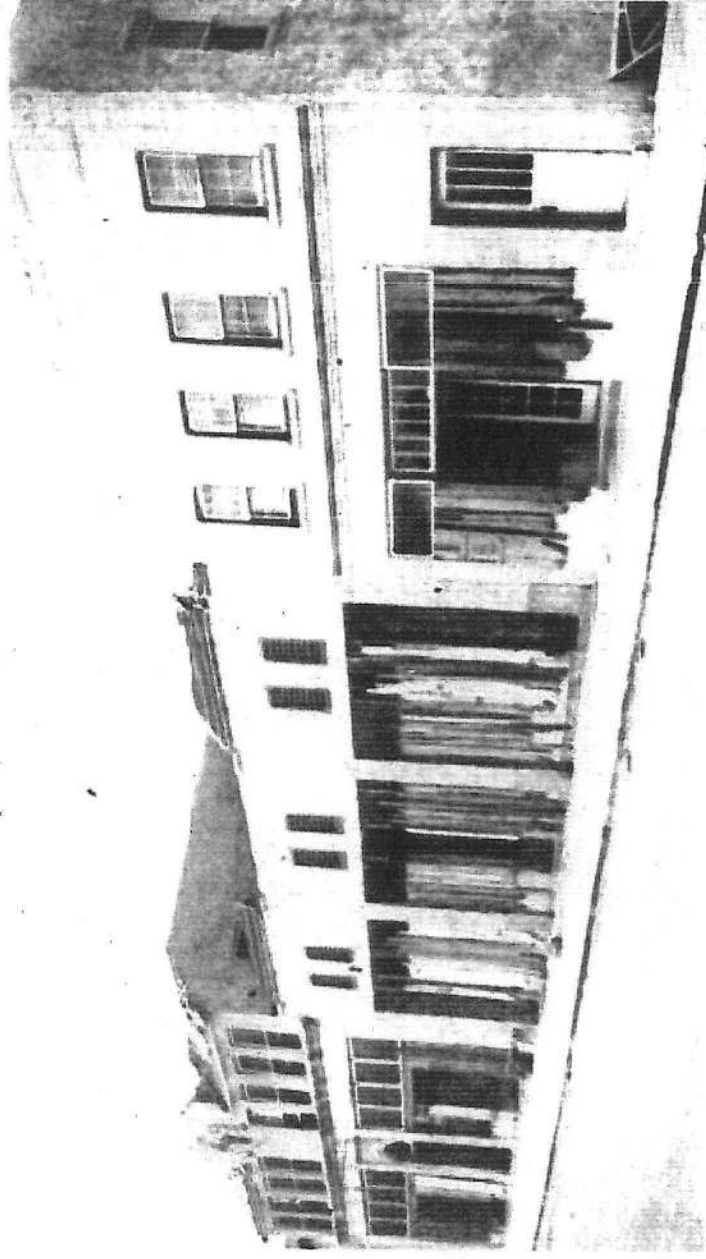


IT'S FRANK.

# LAKE PARK'S ASSETS

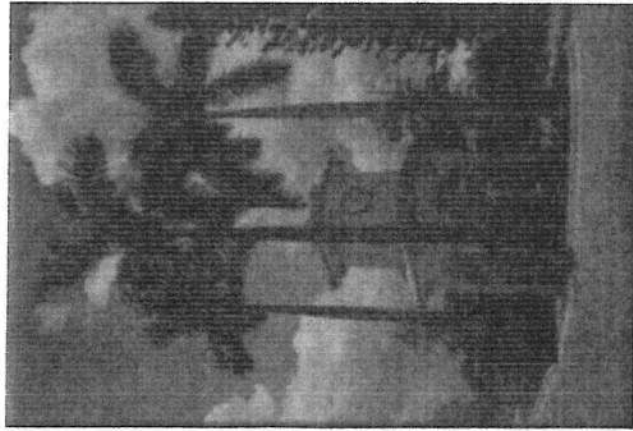
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\* Downtown/Park Ave (circa 1920's)

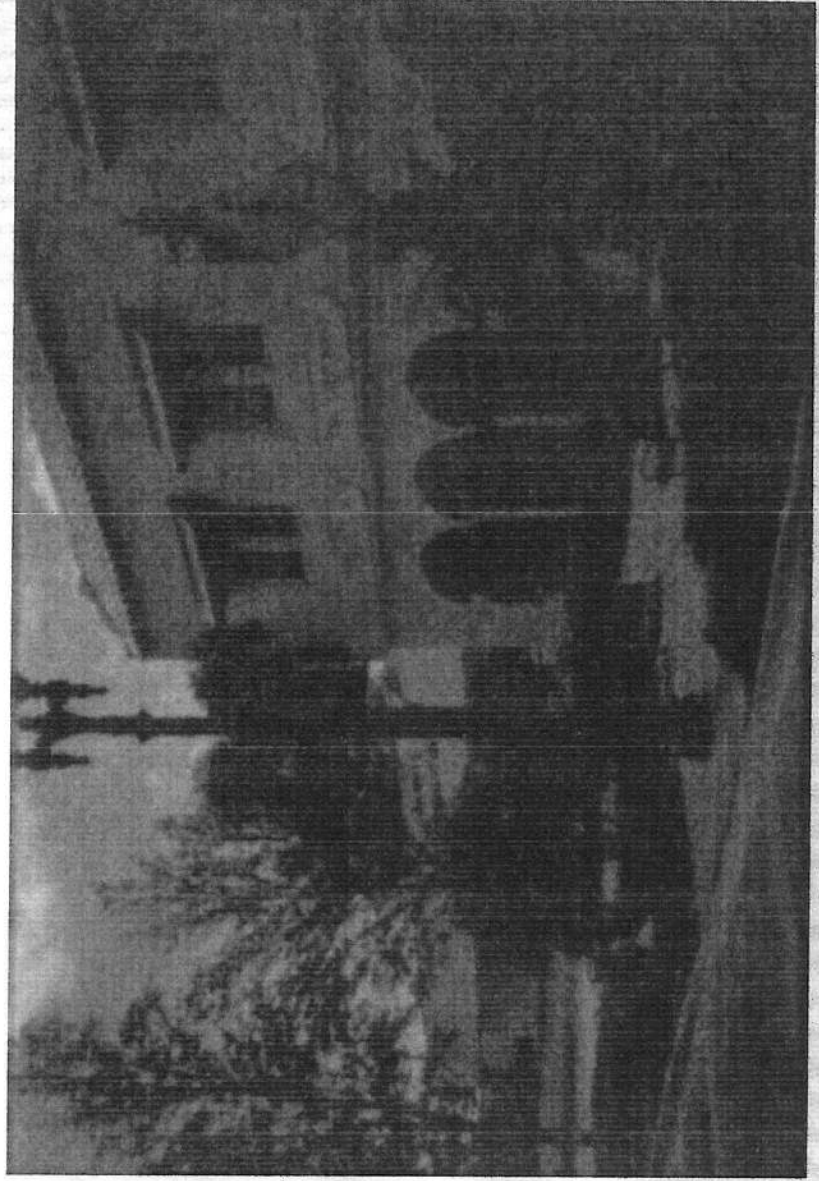


# LAKE PARK'S ASSETS

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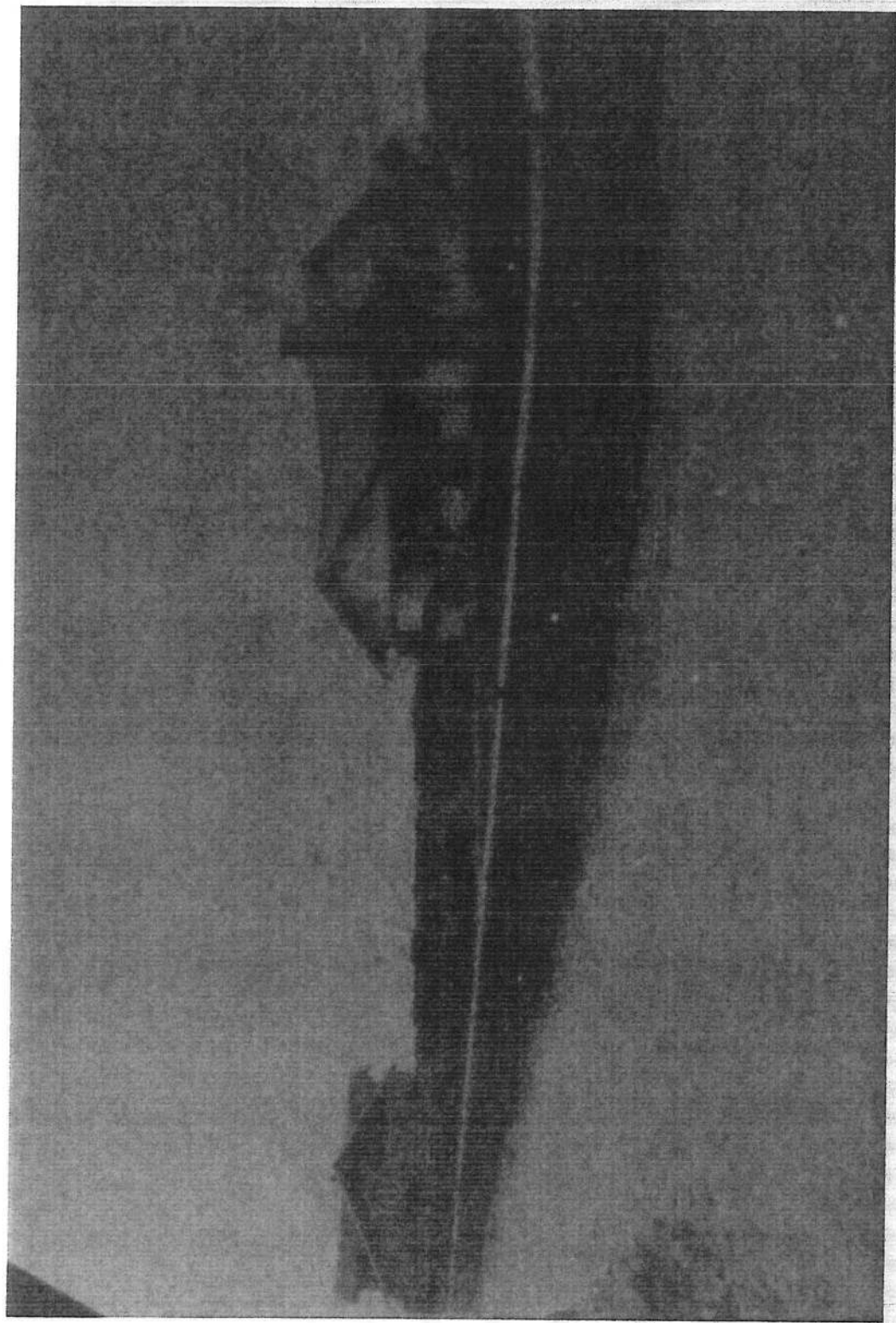


Downtown/Park Ave Today



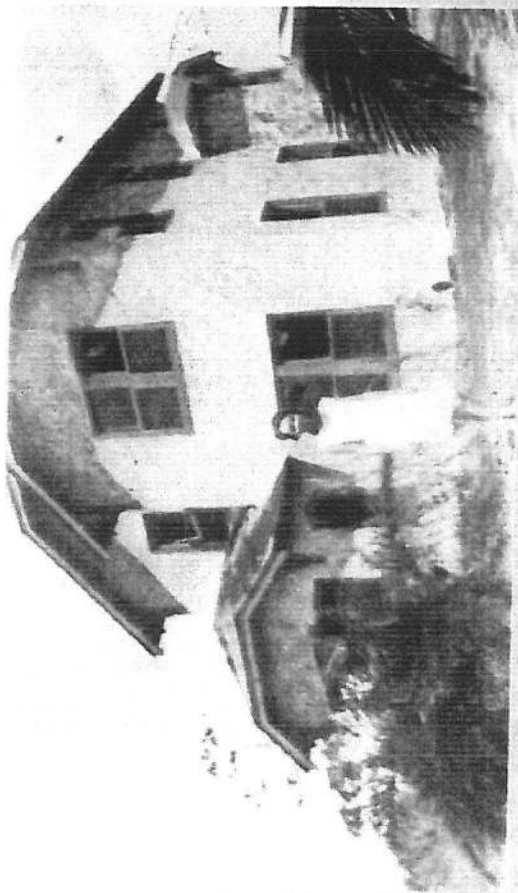
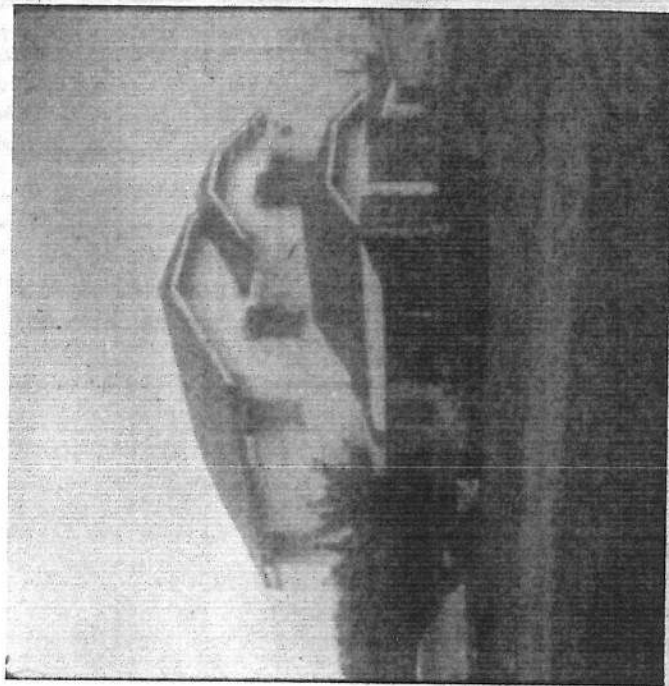
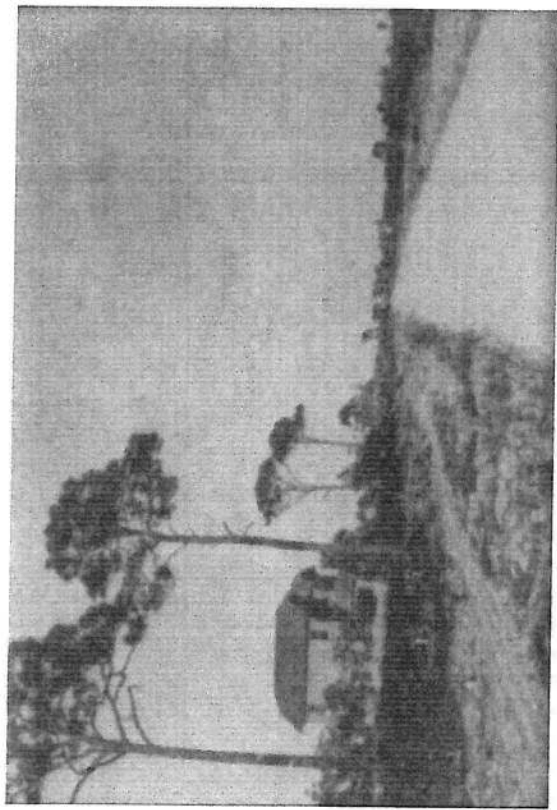


# HISTORIC RESOURCES

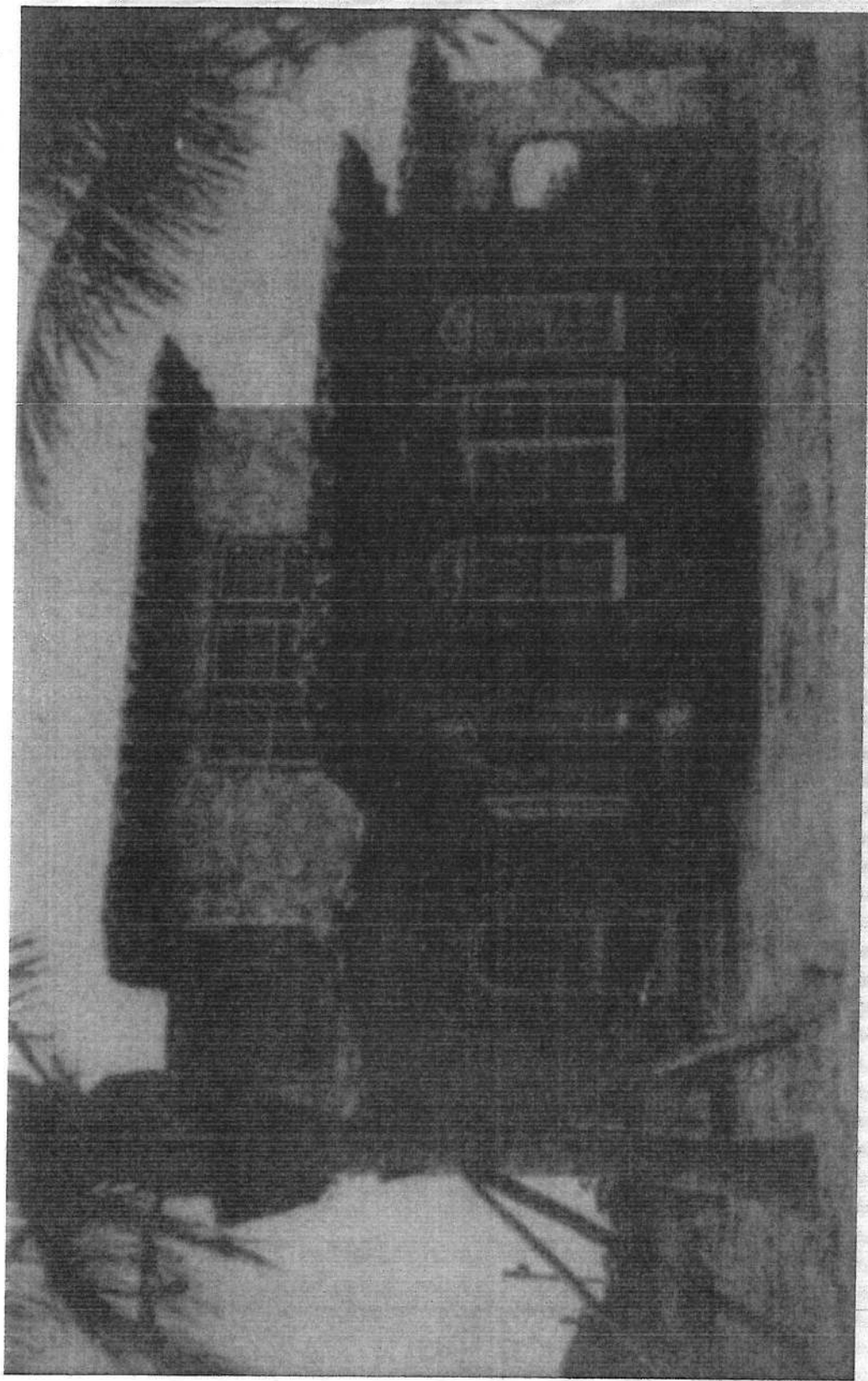




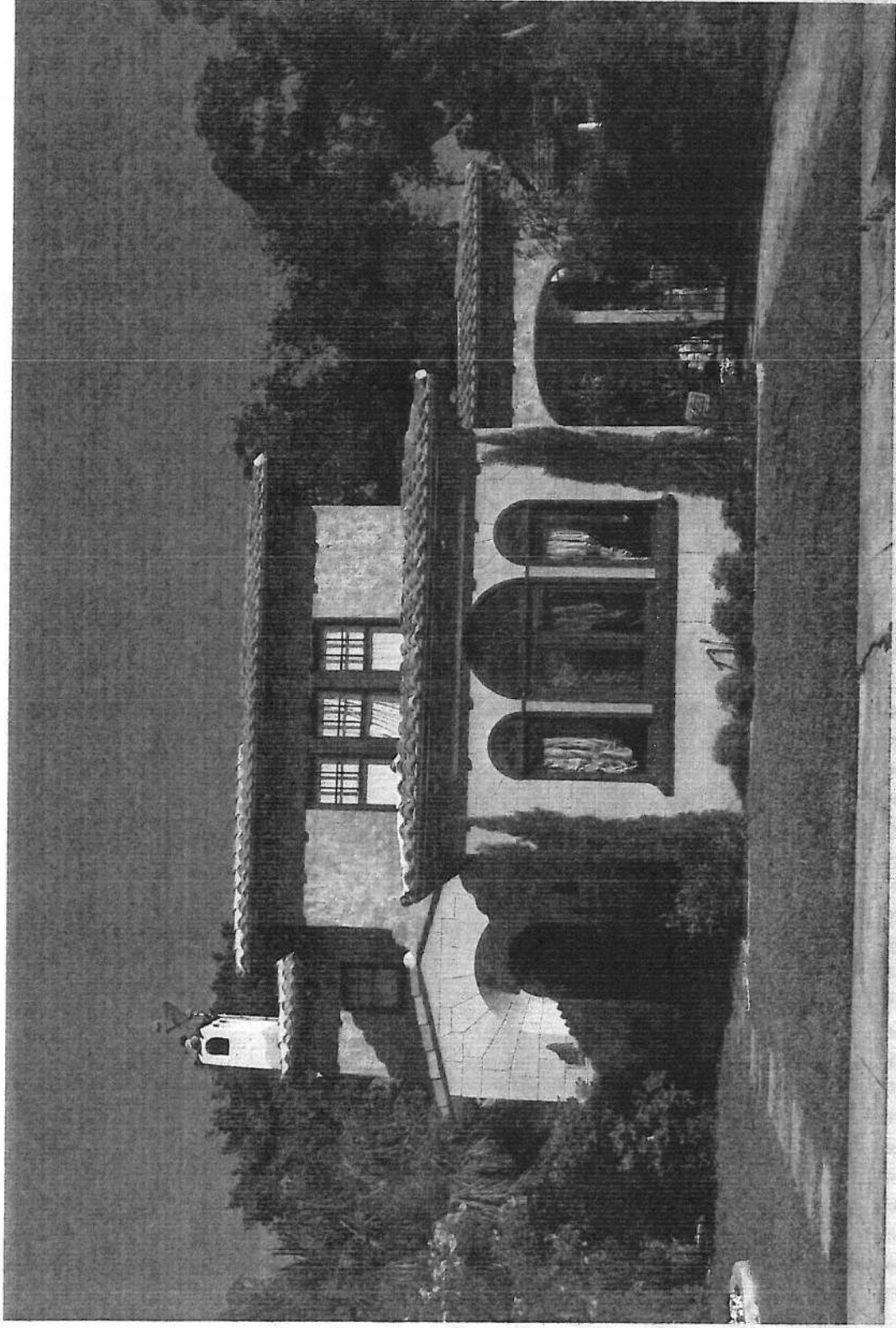
# HISTORIC RESOURCES *THEN & NOW*



# ORIGINAL KELSEY CITY HOME THEN

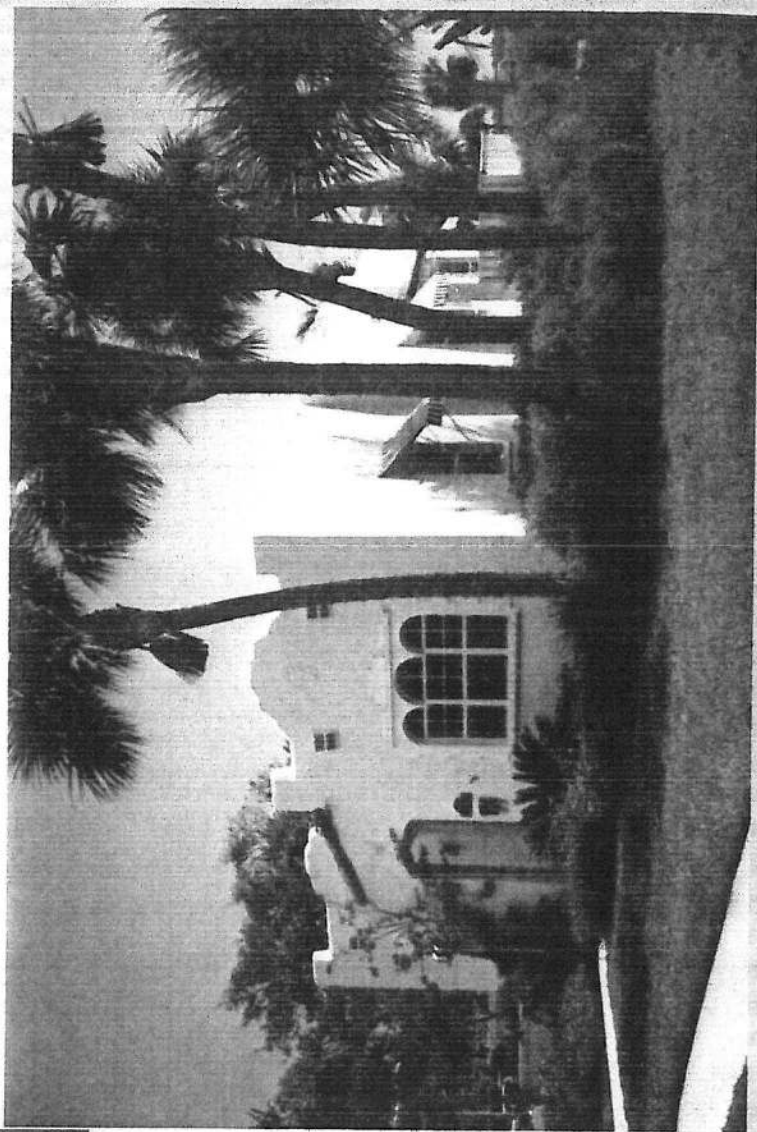
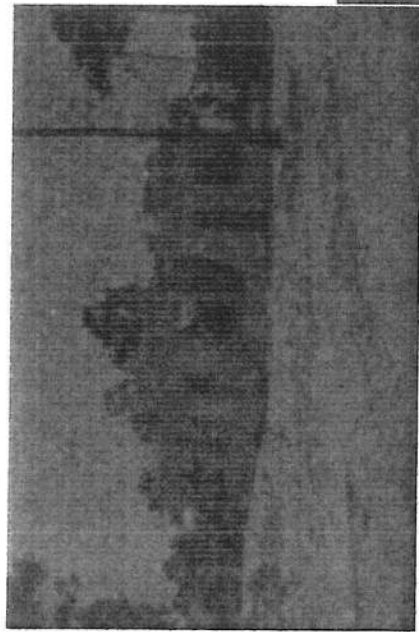


# HISTORIC RESOURCE NOW



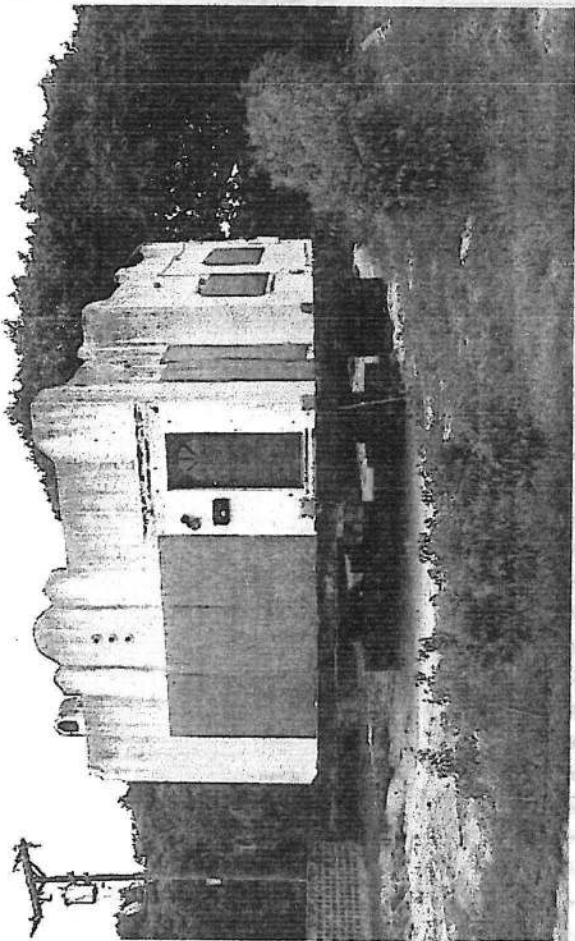


# EVERGREEN HOUSE THEN & NOW



# ORIGINAL KELSEY CITY HOME *THEN*

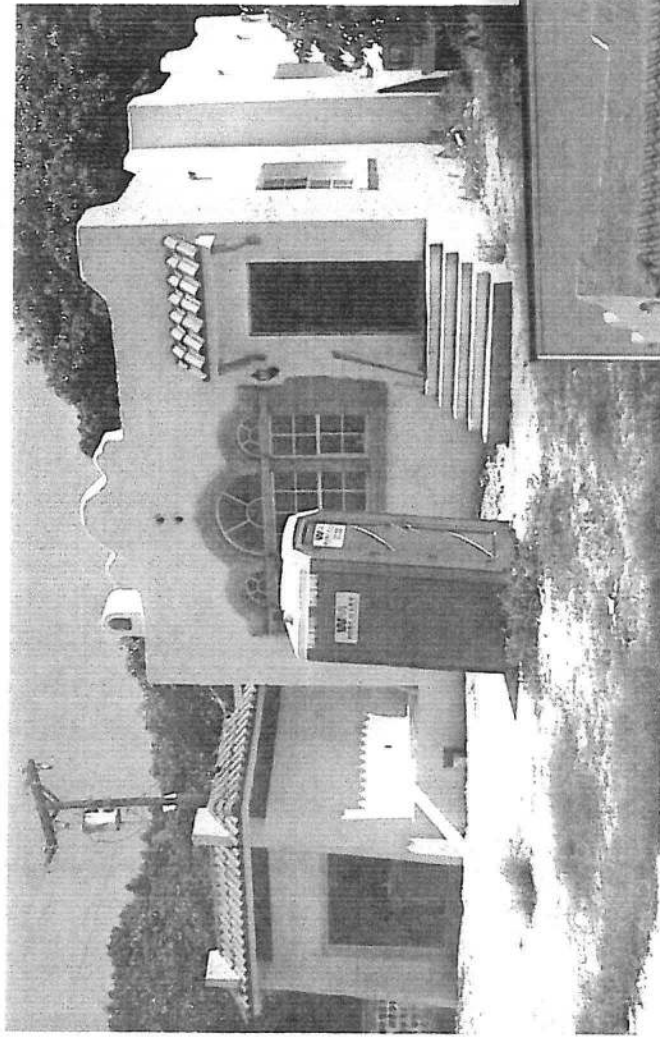
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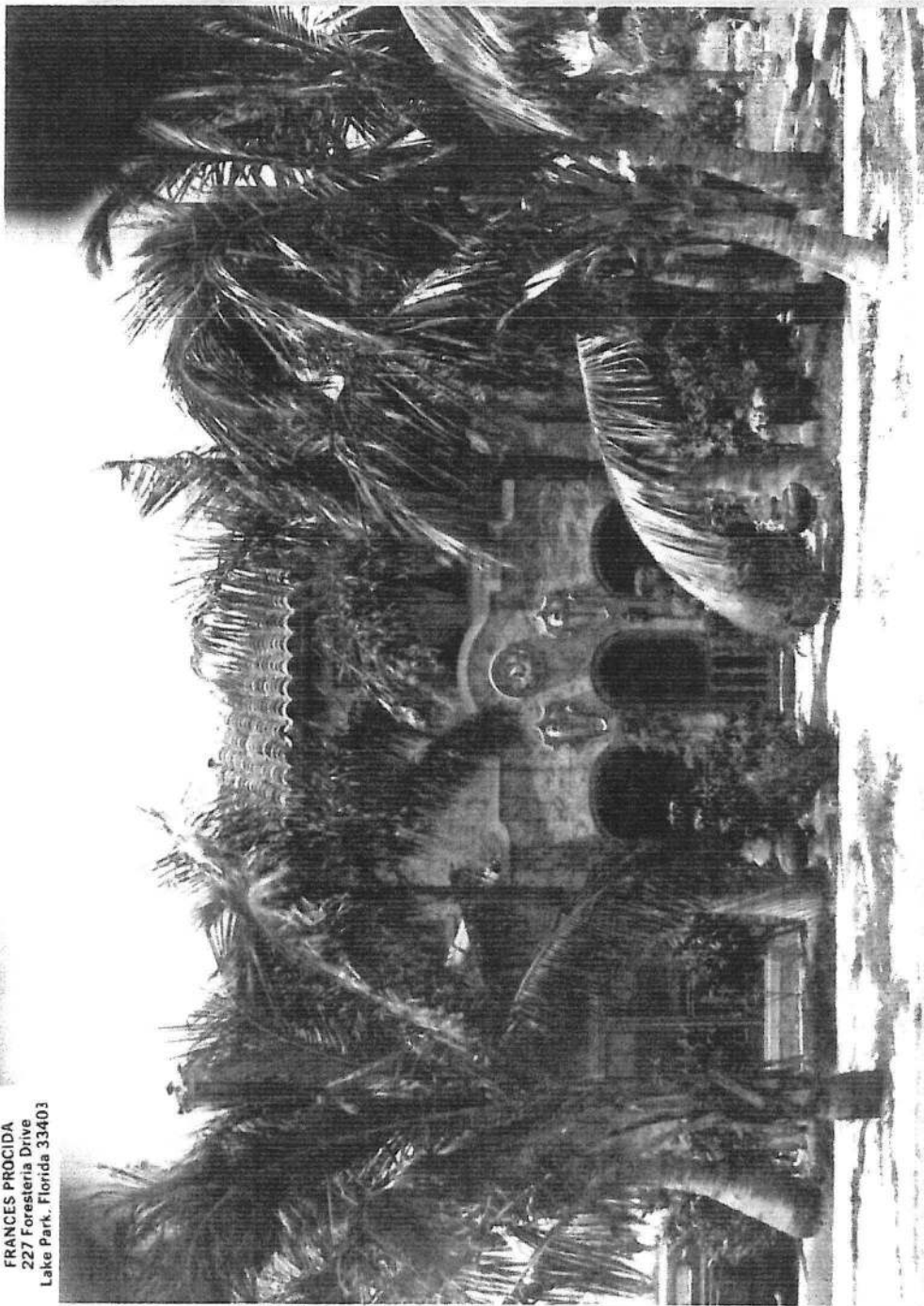
# HISTORIC RESOURCE NOW



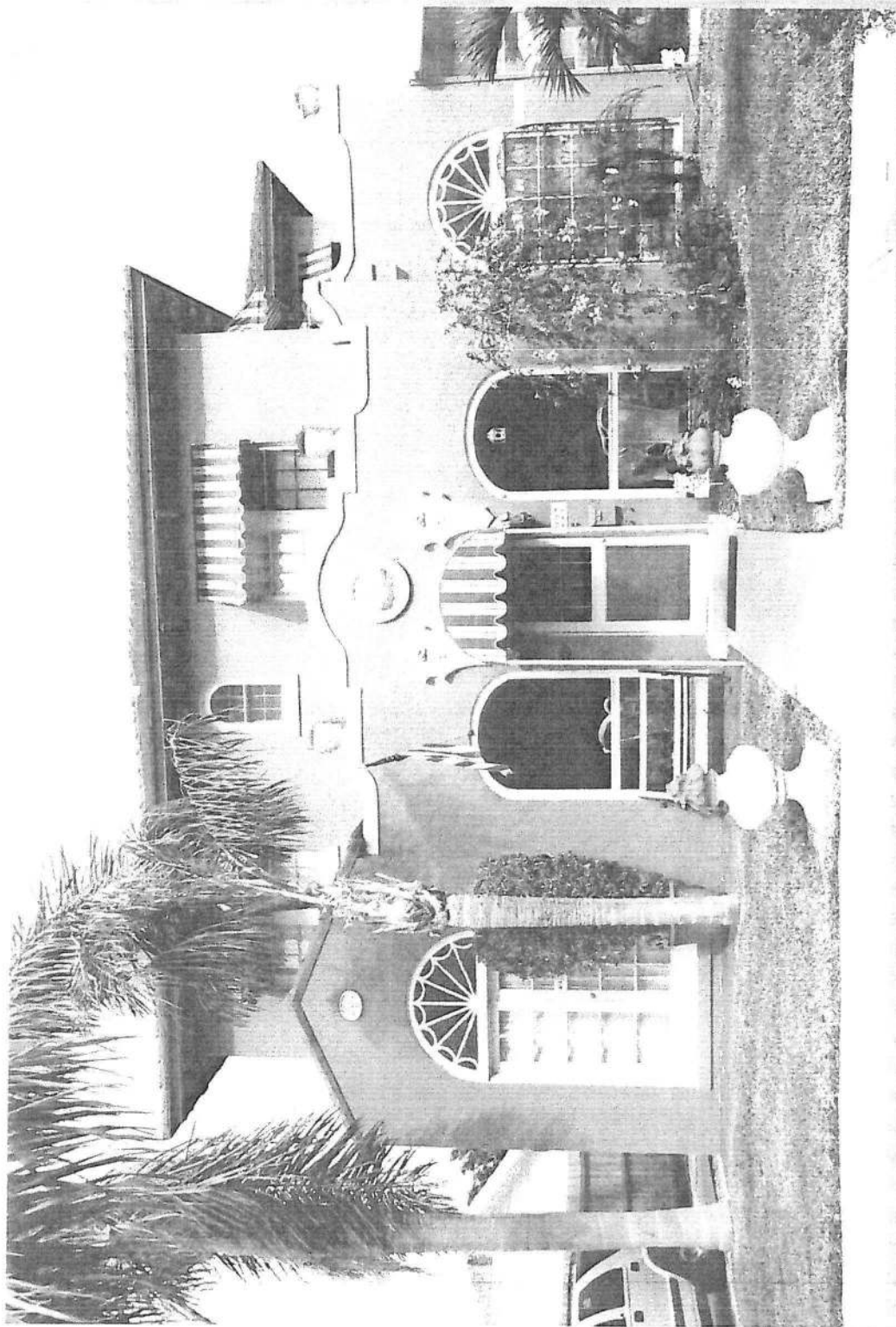
Special Certificate of  
Appropriateness issued  
to move to present site

# ORIGINAL KELSEY CITY HOME *THEN*

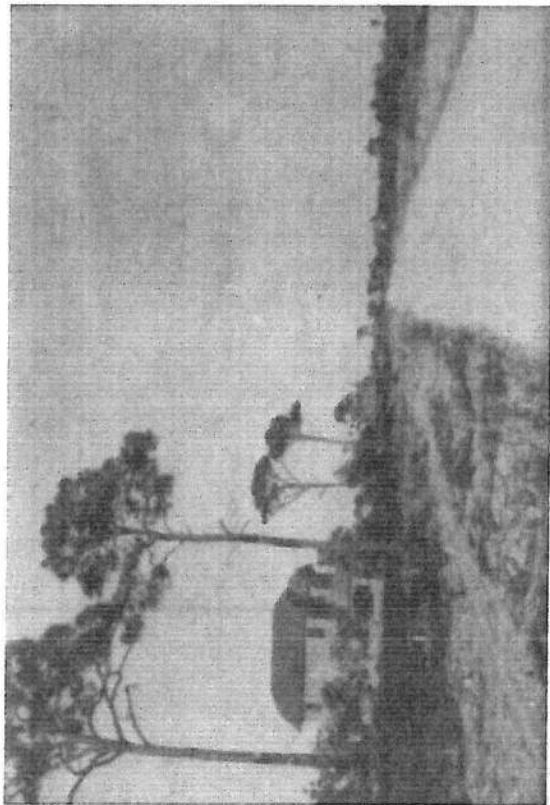
FRANCES PROCIDA  
227 Foresteria Drive  
Lake Park, Florida 33403



# HISTORIC RESOURCE NOW



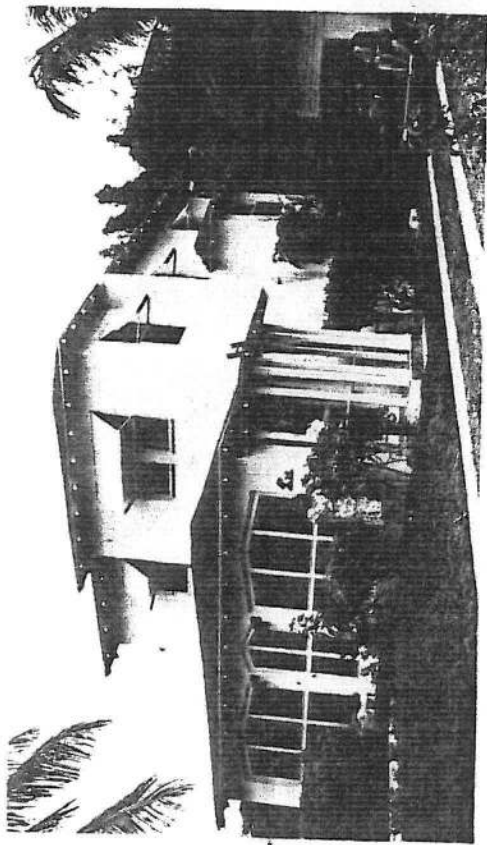
# ORIGINAL KELSEY HOME *THEN*





# HISTORIC RESOURCE NOW

*Photos  
1943-44*



*Our home at #211 Park Ave.*



# RESULTS OF PRESERVATION

- ✕ Revitalization of urban districts and neighborhoods
- ✕ Heritage tourism- Palm Beach County ranks 4<sup>th</sup> in number of the National Register of Historic Places Florida Listing out of 67 counties in the State <sup>3</sup>
- ✕ Increased property values <sup>4</sup>
- ✕ Predictability for investors <sup>5</sup>
- ✕ Architectural Diversity/History (sense of place)
- ✕ Strengthens ability to obtain grants- Palm Beach County has received the 3<sup>rd</sup> highest Dollar amount in grants in the State from 1983-2002 <sup>6</sup>

## HISTORIC PRESERVATION IN LAKE PARK

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- \* In 1998 a study identified 101 of the original Kelsey City structures deemed eligible for Historic Designation (Historic Resource list) <sup>7</sup>
- \* Lake Park adopted a Historic Preservation Ordinance in 1998 in order to protect those structures listed on the Historic Resource list <sup>8</sup>
- \* 1999 Lake Park became a Certified Local Government <sup>9</sup>

# HISTORIC PRESERVATION ORDINANCE

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- ✕ Historic preservation ordinances have become the primary method used by local governments to provide some degree of protection for historic resources. By designating local landmarks and historic districts with design review, historic preservation ordinances can build community pride and appreciation, as well as act as a catalyst for redevelopment and neighborhood revitalization.



# HISTORIC DESIGNATION

- × Local designation can be a powerful tool in preserving community character.
- × Strengthens stabilization and promotes rejuvenation or rehabilitation.
- × Does not increase property taxes.
- × No limits on property use or restrictions of sales.
- × Eligible for tax credits and incentives including tax abatement in Lake Park <sup>10</sup>



# HISTORIC DESIGNATION

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- × Gives distinction to designated communities and a unifying bond among property owners.
- × Provides expert review of proposed exterior changes as part of COA process.
- × Protects from demolition and inappropriate development.
- × No review is required for ordinary repairs such as replacing a missing or deteriorated element with one exactly like it

# LAKE PARK HAS ALREADY DONE THE HARD WORK <sup>12</sup>

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- ✕ Established as a (CLG) Certified Local Government.
- ✕ Adopted a Historical Preservation Ordinance
- ✕ Conducted survey of Historic Resources
- ✕ Local Historical Society Established
- ✕ Have a staff grant writer

# CRITERIA FOR DESIGNATION

- x The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity and:
  - x A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
  - x B. That are associated with the lives of persons significant in our past; or
  - x C. That embody the distinctive characteristics of a type, period or method of construction, or that represent that the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - x D. That have yielded, or may be likely to yield, information important in prehistory or history.

# THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

1. "A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment."
2. "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."
3. "Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken."
4. "Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved."
5. "Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved."
6. "Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence."
7. "Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible."
8. "Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken."
9. "New Additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."
10. "New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."



## TRANSFERRED DEVELOPMENT RIGHTS (TDR) PROGRAM

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- ✧ The Intent of the TDR program is to use market forces to pay for the preservation of historic buildings and for the creation of new public open space. It allows developers to acquire rights that can be used to increase development potential at a more suitable location. The program allows property owners to realize financial compensation that redeveloping the property could bring without losing the structures or open spaces that make a community unique.

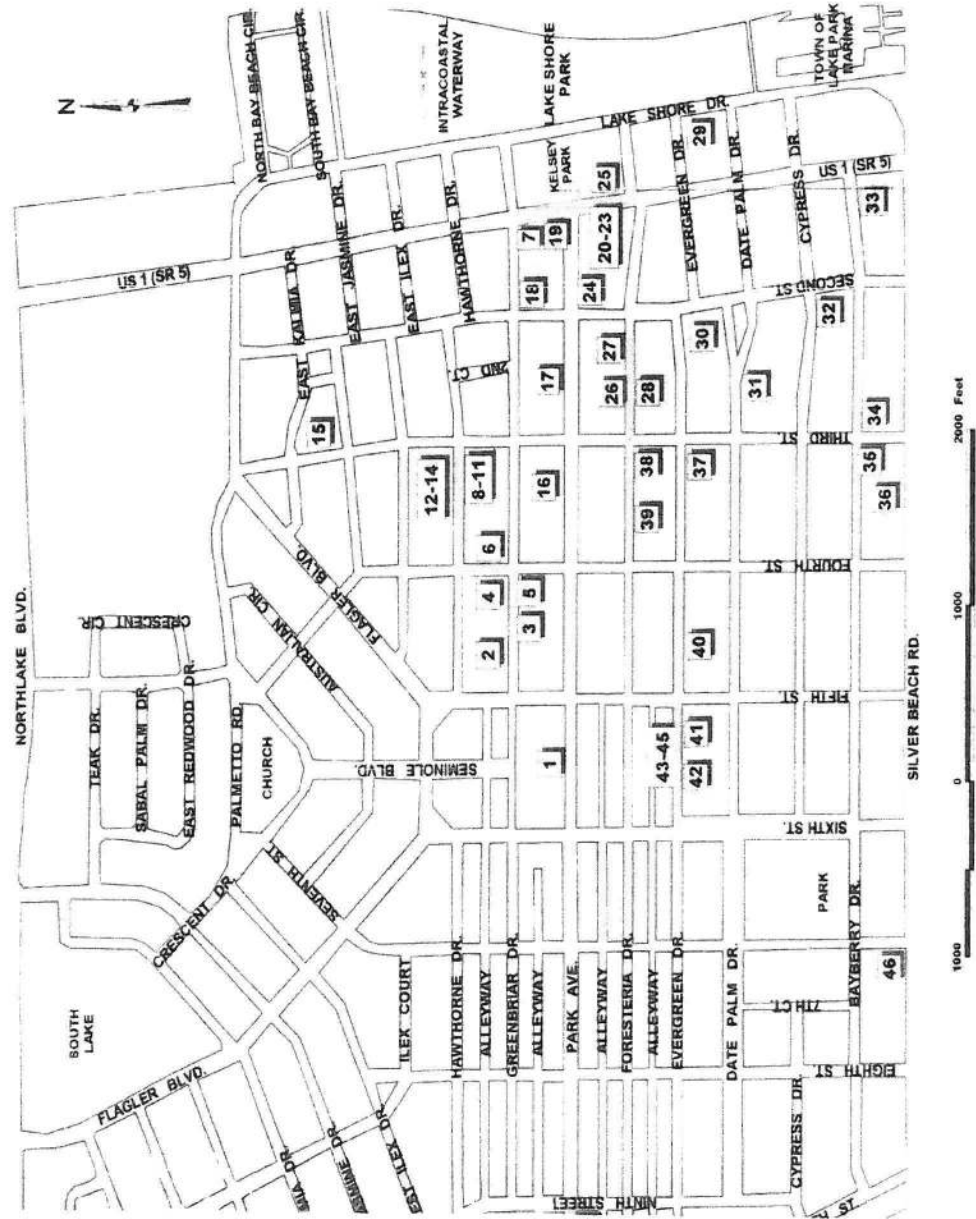
# PROPOSED

- \* Re-evaluate Historic Resources
- \* Communicate with homeowners within proposed district to gain majority consent
- \* Create-

## *Kelsey City Historic District of Lake Park*

4 districts- North, South, East, West (*resources located outside the "district" could still be locally designated individually*)

# PROPOSED KELSEY CITY HISTORIC DISTRICTS OF LAKE PARK



# TDR PROGRAM EXAMPLE

## \* St. Ann Church Downtown WPB <sup>13</sup>

- + Fought Mandatory Historic Designation for several years
- + Did not want to lose any of the financial benefit of selling property to developer
- + City adopted TDR program and Developer bought the available development rights, St. Ann kept the property and the proceeds from the sale of Transferred Development Rights.



# TDR PROGRAM IN LAKE PARK

## \* Possible Sending Sites

- + Historic Resources located on US1 and Park AVE.

## \* Possible Receiving Sites-

- + Earl Stewart, Twin City Mall property, existing waterfront development

# IMPLEMENTING PROPOSAL

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- × Communication- Historical Society can be Town staff's liaison and assist with Historic Designation, Forming District,
- × Education- Historical Society will work with homeowners & assist staff to develop a "package" for historic homeowners
- × Community involvement- Workshops, fundraisers, Neighborhood Improvements
- × Unified mission- Lake Park's IDENTITY
- × Marketing- Preserving & Promoting our Past for our Future

## TOWN SUPPORT

---

- × Designating local historic districts.
- × Coordinating historic district zoning with base zoning.
- × Providing information to owners about the maintenance and repair of historic buildings.
- × Developing and distributing guidelines on appropriate changes in the historic districts.
- × Complying with decisions made in the design review process.

## TOWN SUPPORT

---

- × Providing staff support & arrange training for Historic Preservation Board.
- × Proactively Offering tax abatement as financial incentive to assist the rehabilitation of historic properties.
- × Include Historic Preservation as an important element in the Comp Plan revisions.



# HISTORIC PRESERVATION ORDINANCE PROPOSED AMENDMENT

## Sec. 66-10. Application for certificate of appropriateness.

(a) *Certificate required as prerequisite to alteration, etc.* No building, structure, improvement, landscape feature or archeological site within the town, which is designated pursuant to section 66-9 ~~or has been identified as 50 years old or older in the Lake Park Historical Structure Survey, dated June 1998, shall may be~~ erected, altered, restored, renovated, excavated, moved or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features or site improvements, has been submitted to and approved pursuant to the procedures in this section. As a prerequisite to the alteration, etc., of a single family home which has been identified as being 50 years or older in the Lake Park Historical Structure Survey, dated June 1998, the community development director shall notify the owner that the home is one of the sites identified in the Lake Park Historical Structure Survey dated 1998 as being eligible for listing on the local historic register. The community development director shall notify the owner of their eligibility for designation, and seek designation with the owner's consent. All collateral materials, including incentive opportunities shall be provided to the homeowner.

# HISTORIC PRESERVATION ORDINANCE PROPOSED AMENDMENT *REVISED*

Application for certificate of appropriateness (COA).

(a) *Certificate required as prerequisite to alteration, etc.* No building, structure, improvement, landscape feature or archeological site within the town, which is designated pursuant to section 66-9 or has been identified as a contributing Historic Resource in the Lake Park Historical Resource Survey, dated June 1998, may be erected, altered, restored, renovated, excavated, moved or demolished until an application for Certificate of Appropriateness and design review as outlined in the Review Process for Historic Resources, has been submitted and approved pursuant to the procedures in the matrix. (attach exhibit/matrix)

Furthermore, the historic preservation officer should be notified of the buildings, structures, improvements, landscape features or archeological sites identified in the Lake Park Historical Structure Survey dated 1998 as being eligible for listing on the local historic register and the preservation officer shall in turn notify the owner of their eligibility for designation, and seek designation with owner consent. All collateral materials, including incentives shall be provided to the homeowner.

# COA DESIGN REVIEW MATRIX

Action	CONTRIBUTING			NON-CONTRIBUTING		
	No Review	Staff	Board	No Review	Staff	Board
<b>ADDITIONS</b>						
1. Visible from the street and 10% or less of the existing building's square footage*		2			2	
2. Not visible from the street and 20% or less of the existing building's square footage*		2			2	
3. All other additions			X			X
<b>CANVAS AWNINGS</b>						
1. On main facade		2			2	
2. All other facades		1			1	
<b>CARPORTS (addition or enclosure)</b>		2			2	
<b>DECKS, PATIOS, PERGOLAS</b>						
1. With a structure		2			2	
2. Without a structure		1			1	
<b>DEMOLITIONS</b>		2			2	
1. 10% or less of non historic addition			X			X
2. All other						
<b>DOORS/GARAGE DOORS</b>						
1. Same materials, style & size		1			1	
2. Change in materials or style		2			2	
3. Change in openings on the main facade			X			X
4. Change in openings on a secondary facade		2			2	
<b>DRIVEWAYS &amp; SIDEWALKS</b>		1			1	
<b>EXTERIOR WALL FINISH</b>						
1. Removal of not historic vinyl/aluminum siding		2			2	
2. All other finishes (including painting of an originally unpainted surface)			X			X
<b>INTERIORS (Ad Valorem Tax Exemption Applications ONLY)</b>						
<b>LANDSCAPING</b>		1			N/A	N/A
<b>MECHANICAL SYSTEMS causing an effect</b>		2			2	
<b>NEW CONSTRUCTION</b>			X			X
<b>PAINTING</b>	X			X		
<b>POOLS</b>		1			1	
<b>PORCHES</b>						
1. Open an enclosed porch		2			2	
2. Enclose a porch on the main facade			X			X
3. Enclose a porch on a secondary facade		2			2	
<b>RELOCATION</b>			X			X
<b>REPAIR (same material)</b>		1			1	
<b>ROOF</b>						
1. Same material & shape		1			1	
2. Change in materials		2			2	
3. Change in shape			X			X
<b>SHEDS (Less than 200 sq. ft. Demo or new)</b>		2			2	
<b>SHUTTERS</b>						
1. Removable Shutters		1			1	
2. Permanent Shutters (visible)*		2			2	
3. Permanent Shutters (not visible)		2			2	
<b>SITE WALLS &amp; FENCES</b>						
1. Walls/fences behind front facade		1			1	
2. Walls/fences in front of front facade		2			2	
<b>WINDOWS</b>						
1. Same materials, style & size		1			1	
2. Change in materials or style		2			2	
3. Change in openings on the main facade			X			X
4. Change in openings on a secondary facade		2			2	



# COA MATRIX LEVEL DEFINITIONS

## HISTORIC PRESERVATION BOARD CERTIFICATE OF APPROPRIATENESS MATRIX

\*Visibility is based on view from the sidewalk. Landscaping and fences are temporary and are not considered in determining visibility

### HISTORIC PRESERVATION DIVISION (Staff) REVIEW

#### Level 1 Review

Level 1 Review consists of a review of the proposed work at the time the building permit is applied for. Prior to submittal of the building permit application, the work must be reviewed and approved by the staff of the Historic Preservation Division (Community Development Dept.)

#### Level 2 Review

Level 2 Review requires submittal of a Certificate of Appropriateness Application. The application must be complete before the review will be conducted. The staff of the Historic Preservation Division (CDD) will review the request within fifteen (15) working days. *If the staff of the Historic Preservation Division does not grant administrative approval, the application will be referred to the Board for review. Any applicant may request referral to the Board rather than administrative review. An application referred to the Board will be considered in accordance with the application submission deadlines.*

### HISTORIC PRESERVATION BOARD REVIEW

Historic Preservation Board Review will require submittal of a complete Certificate of Appropriateness Application. The Historic Preservation Board meets once a month and there are application submittal deadline dates approximately six (6) weeks prior to each meeting. Applications must be submitted in accordance with the application submittal deadline dates.



**HISTORIC PRESERVATION BOARD  
CERTIFICATE OF APPROPRIATENESS**

**MATRIX**

\*Visibility is based on view from the sidewalk. Landscaping and fences are temporary and are not considered in determining visibility

**HISTORIC PRESERVATION DIVISION REVIEW**

Level 1 Review

Level 1 Review consists of a review of the proposed work at the time the building permit is applied for. Prior to submittal of the building permit application, the work must be reviewed and approved by the staff of the Historic Preservation Division (Community Development Dept.)

Level 2 Review

Level 2 Review requires submittal of a Certificate of Appropriateness Application. The application must be complete before the review will be conducted. The staff of the Historic Preservation Division (CDD) will review the request within fifteen (15) working days.

*If the staff of the Historic Preservation Division does not grant administrative approval, the application will be referred to the Board for review. Any applicant may request referral to the Board rather than administrative review. An application referred to the Board will be considered in accordance with the application submission deadlines.*

**HISTORIC PRESERVATION BOARD REVIEW**

Historic Preservation Board Review will require submittal of a complete Certificate of Appropriateness Application. The Historic Preservation Board meets once a month and there are application submittal deadline dates approximately six (6) weeks prior to each meeting. Applications must be submitted in accordance with the application submittal deadline dates.

# The Review Process for Historic Resources

Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403  
561-881-3300

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*Kim Glas-Castro, AICP  
230 E Ilex Drive  
Lake Park, FL 33403  
561-842-0734*

Lake Park Town Commission  
535 Park Avenue  
Lake Park, FL 33403

RE: Proposed Amendments to Certificate of Appropriateness Requirements (Ordinance 03-2007)

Dear Commissioners:

Lake Park's historic buildings are a unique cultural resource that cannot be replaced. It is not just the original Kelsey City buildings that are of importance, but all of the contributing structures within the Town that contribute to our heritage and sense of place. The proposed revisions to Section 66-10 of the Land Development Regulations, eliminate any means for the Town to protect these resources for its residents and visitors.

You'll remember that when the Town's historic preservation program was first established, the Town took the initiative to designate some of the buildings on the 1998 Historical Structures Survey local landmarks. After owners objected to their buildings being designated, our most significant buildings were undesignated and the Town's historic preservation efforts were reduced to the Certificate of Appropriateness process.

The proposed modifications in Ordinance 03-2007 eliminate even this process and in effect eliminate the historic preservation program. If the Town is to protect its historic resources, it needs to maintain, at the least, a viable Certificate of Appropriateness process. This process was developed after many meetings and significant input from property owners and residents.

The Lake Park Historical Society's proposed language, with the review matrix, provides relief for contributing structures, yet maintains the integrity of the Certificate of Appropriateness process. If further attention is needed for legal sufficiency, such as the designation of a formal historic district or additional public notice, I urge the Commission to further postpone consideration of this Ordinance until this can be accomplished.

Please consider these remarks in your deliberations this evening.

Sincerely,  
  
Kim Castro

cc: Maria Davis

**REGULAR COMMISSION MEETING**  
*Action Minutes from July 18, 2007*



- A. CALL TO ORDER 7:35 p.m.
- B. INVOCATION Town Clerk
- C. PLEDGE OF ALLEGIANCE Vice-Mayor Daly
- D. ROLL CALL All Present
- E. ADDITIONS/DELETIONS. Move Ordinance 3-2007 before Ordinances on First Reading.
- F. Presentations:  
Artificial Reef Project, Presented by Palm Beach County Environmental Resource Management Carman Vare;  
Historic Preservation, Lake Park Historical Society President Leigh Kendall
- G. PUBLIC and OTHER COMMENT  
This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a TOTAL of three minutes. *Bert Bostrom*
- H. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER.
- I. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located in the rear of the Chambers and give it to the Town Clerk. Cards must be submitted before the item is discussed.
1. Regular Commission Meeting Minutes of June 6, 2007
  2. Regular Commission Meeting Minutes of June 20, 2007
  3. Replacement of Obsolete and Unreliable Media Equipment
  4. Pre-Hurricane Tree Trimming & Pruning Contract
  5. Hurricane Recovery Tree Trimming & Pruning Contract
  6. Hurricane Debris Pick Up and Removal Contract Renewal
  7. Financial Assistance Agreement Extension with Palm Beach County for Grant Funds to Design Park Avenue
  8. Elevator Reconditioning at Town Hall
  9. Resolution No. 49-07-07 2007-2008 Sanitation Rates for Truth In Millage (TRIM)
  10. Resolution No. 50-07-07 Building Permit Fees
  11. Resolution No. 51-07-07 Alamazon Brothers Construction, Inc. Contract  
Consent Agenda Approved except for item #12
  12. Landscape Installation Contract Award for Lake Shore Park to Villa & Sons
- K. PUBLIC HEARING (S)  
ORDINANCE ON SECOND READING:
13. Ordinance 03-2007 Historic Preservation Approved
- ORDINANCE ON FIRST READING:
14. ORDINANCE NO. 14-2007 Amendment of Chapter 54 Building Regulations Approved
15. ORDINANCE NO. 15-2007 Development Review Fees Approved
16. ORDINANCE NO. 16-2007 Architectural Guidelines for Commercial Buildings Approved
17. ORDINANCE NO. 17-2007 Open Container Law Approved

**ORDINANCE ON SECOND READING:**

**18. Ordinance 08-2007 Public Records Requests**

**Approved**

**19. Ordinance 10-2007 Purchasing authority of the Town Manager**

**Approved**

**20. Ordinance 11-2007 Harbor Marina Advisory Board Schedule & Duties**

**Approved**

**21. Ordinance 12-2007 Garage Sale**

**Approved**

**N. ADJOURNMENT:**

**9:30 p.m.**